

The conveyances, however, I regard to be void, as frauds upon the rights of the wife, and will, therefore, pass a decree for the sale of the property to pay her one-third, with a reservation of equities as to the residue of the proceeds of sale. The solicitor of the complainant may prepare a decree.

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[No appeal was taken in this case.]

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ALEXANDER FRANKLIN  
AND ROBERT FRANKLIN

vs.

BENJAMIN FRANKLIN.

} DECEMBER TERM, 1848.

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[REMEDIAL LAWS—ACT OF 1842, CH. 229—BILL OF REVIVOR.]

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REMEDIAL laws are to be construed liberally, to advance the remedy and obviate the mischief; but, they are not to be so expanded, as to comprehend cases altogether beyond their purview.

So to apply and enlarge the law, would be judicial legislation under the guise of interpretation.

The act of 1842, ch. 229, only provides a more summary and economical remedy, when cases abate, either before or after decree, by the *death* of parties, and does not embrace the case of a decree which has become *dormant* by lapse of time.

The legal presumption, when the three years from the date of the decree have elapsed, is, that it has been executed or satisfied; and the appropriate remedy is, to revive it by a bill of revivor.

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[On the 3d of January, 1849, a petition was filed in this cause, by Robert Franklin, against the widow and children of Benjamin Franklin, deceased, stating, that on the 25th of July, 1839, a decree was passed therein for the partition of the real estate of Robert Franklin, deceased, in Anne Arundel county, wherein lot No. 1 was assigned to Benjamin Franklin, the defendant, and lot No. 3 to the petitioner, and said Benjamin was directed to pay to the petitioner for owelty of partition, the sum of \$1,335; that the whole of said sum of money, with interest, was still due, except \$500, paid on the 1st of July, 1844, a receipt for